



CASE REPORT

CONFIDENTIAL

DATE: March 22, 2019
TO: Michael Eicher, Senior Vice President Advancement and President of The Ohio State University Foundation
 Justin Fincher, Vice President – Advancement Strategy and Administration
FROM: Christina Cunningham, Employee and Labor Relations Consultant, Office of Human Resources
RE: Allegation of Sexual Harassment and Harassment/Discrimination based on sex/gender against Mark Beebe

Allegations

On December 13, 2018, the Office of Human Resources received an anonymous complaint via EthicsPoint regarding Mark Beebe.

In the complaint, an anonymous reporter raised allegations of inappropriate behavior displayed by Beebe toward women. The report alleged that Beebe has engaged in unwelcome sex/gender based comments and behavior that include:

- Making sexual comments to younger women;
- Calling one woman a “bad girl” because of the manner in which he perceived her outfit;
- Teasing a woman with the suggestion she was watching pornographic movies on her work computer; and
- Staring at women’s breasts while having conversations with them.

In addition, the reporter alleged women are warned about Beebe’s behavior when their employment in Advancement begins, and that Beebe’s behavior is a “fairly open secret” throughout Advancement. Further, it was alleged that the Advancement Human Resources team are aware of the behavior as they have been subjected to Beebe’s sexually inappropriate jokes and innuendos¹.

The investigator requested additional information from the reporter on December 17, and 20, 2018. The reporter was advised that by providing additional information, this would allow the investigator to thoroughly look into the behavior being alleged. Information that was requested included, any additional information regarding the specific examples provided in the report; additional examples of inappropriate comments or jokes Beebe made; additional information regarding the warnings that have taken place by the reporter and other females within Advancement; if the behavior has been reported to anyone; and suggestions for potential witnesses.

The same reporter filed a subsequent report on December 28, 2018, due to not being able to access the original complaint filed.

¹ The allegation of Advancement Human Resources being aware of concerns related to Beebe’s behavior and failure to report or address these concerns were reviewed and documented in a separate report.

Scope of the Investigation

The allegation was thoroughly investigated by the Office of Human Resources. Information presented as part of the investigation was weighed based on the preponderance of the evidence standard. The information was also evaluated pursuant to the university's Affirmative Action, Equal Employment Opportunity & Non-Discrimination/Harassment, 1.10 concerning any allegations of sex/gender discrimination and/or harassment and the Sexual Misconduct Policy 1.15 concerning any allegations of sexual harassment.

In the course of the investigation, the following individuals were interviewed:

- Mark Beebe, Chief Financial Officer, University Advancement
- Thirty witnesses of various job titles that work in University Advancement (both males and females)

Summary of Witness Interviews

In regard to the aforementioned allegations, thirty individuals identified as potential witnesses were interviewed. This section summarizes key statements provided related to the allegations.

Comments/jokes that are sexual in nature

- One of the witnesses stated that she was having a technical issue with her computer and her computer was not working. She reported that Beebe asked why her computer was not working, and what she had been watching. The witness perceived this comment that Beebe was implying she had watched or viewed pornography on her work computer due to the manner and tone of his voice in which he made the comment. The witness stated this was the only instance in which Beebe had made a comment to her implying she was watching or viewing pornography on her computer. She stated she felt uncomfortable due to Beebe and his implication that she was watching or viewing pornography.
- None of the other witnesses could recall any comments or jokes made by Beebe that were sexual in nature or could be perceived as sexual in nature.

Comments about female's appearance and/or outfits

- Eleven females have experienced Beebe commenting on their outfits or appearances. All eleven have perceived his comments on their outfits or appearances are directly related to their sex/gender. Examples of these comments include, "You're wearing girls' shoes today," "You're wearing fancy shoes today," "You look like a girl today," and "Lookin' real dressy today."
 - One of these witnesses reported they told him to stop making comments about how she was dressed, and he did stop.
 - Four witnesses reported Beebe tends to make the comments when a female is wearing more feminine clothes, specifically, skirts, dresses, or high heels.
 - One witness reported that Beebe commented to her that she looked like a "real bad girl" based on how she dressed.
 - One witness stated on one occasion she was wearing boots, and Beebe made a comment comparing her boots to a dominatrix. The witness did not believe he explicitly said "dominatrix;" however, she inferred this due to him commenting on her boots.
 - One witness stated that Beebe has told her she looked pretty on one occasion.
- Four witnesses noted there is a perception that Beebe only comments on the appearance of young females. Further, one witness described these females fit his "type" of young and attractive females.

While some of the witnesses stated they were unsure of Beebe's intention with commenting about their outfits or appearances. Six of the witnesses described this behavior as demeaning and based on their sex/gender, awkward, creepy, and uncomfortable. Two of these witnesses noted these comments do not feel complimentary and feel sexual or suggestive. One of these witnesses stated that while she has not been subjected to overtly

sexual comments from Beebe, the comments about how she is dressed and looks are unwelcome and uncomfortable.

Two witnesses shared that due to Beebe's comments about their outfits or appearances, they are mindful of what they wear. One stated that if she is wearing a dress or skirt and knows that she might see Beebe, she will put on a jacket. This witness stated that she makes an effort to "cover up" every time she wears a dress or skirt and is likely to see or interact with him. Further, she stated that she will try to avoid him if possible and that if she hears him, she hope he is not going to talk to her. The second witness stated that if she is wearing a shirt that is somewhat low-cut, she will pull her shirt up while engaging with him. She stated this is directly related to having witnessed him stare at his breasts previously during interactions with him. She stated this has happened a handful of times and has resulted in her feeling embarrassed and uncomfortable. She further stated the totality of his behavior has sometimes made it difficult to focus on her job responsibilities.

All eleven witnesses noted that other males, especially those who are at the same level of the organization as Beebe, do not make comments about how females are dressed or looked. Additionally, none were aware or observed Beebe make comments to males about their appearances or outfits.

Seven female witnesses stated that they have witnessed or observed Beebe staring at them or looking them up and down as if he was checking them out. Further it was stated that Beebe often does this when he before, while, or after he comments on their outfits or appearances. Three of these witnesses have also observed Beebe staring at their breasts during interactions with him.

In addition to the comments made by Beebe regarding outfits and appearances, two witnesses shared that Beebe commented to a female employee about how tan she was after returning from vacation. This included one of the individuals who was subjected to the comment. Another female employee reported that Beebe referred to her breasts as "boobs" and "tits" while speaking to her and in reference to her body and appearance.

Physical contact

- None of the witnesses have been subjected to or witnessed Beebe engage in physical contact.
- Two of the thirty witnesses stated they have experienced Beebe standing too close to them and invading their personal space. One witness stated that in one instance in which Beebe was too close to her, she commented to Beebe, "Whoa, personal space."

Comments regarding sex/gender or sex/gender biased behavior

Six female witnesses reported Beebe has made comments to them in addition to the behavior outlined above related to outfits or appearances, they believed was due to their sex/gender. These six females provided the following examples of these comments.

- One female witness stated that Beebe as commented to her that she's "up to no good" or a "troublemaker." The witness indicated there was no reason or rationale for Beebe to make this comment and it was made due to her sex/gender.
- Beebe made a comment to a female, which inferred she needed the permission of her husband. This individual felt this comment was insulting and that she has never observed or witnessed Beebe make comments of this nature toward male employees.
- Two females stated that Beebe only talk to women about their children and/or family lives. It was further stated that Beebe will talk to males about other interests, but there is a perception that Beebe only discusses this topic with females and this is due to the sex/gender.

- One stated that while she could not recall any specific comments at the moment; however, if she reflected and thought about all of the conversations she has had with Beebe, she could probably pick at least one comment he had made during all of their conversations.
- One reported Beebe has commented multiple times to her and other females when he encounters them talking, "Look at you guys sitting around gabbing, eating bon bons." She described this as insulting as they are often discussing work. This same witness recounted an instance in which she parked her car poorly. When she commented to Beebe about how bad her parking was, he responded, "Well you are a woman."

Four females have witnessed Beebe use the word "bitch" in reference to women both in the workplace and outside of the workplace. A fifth employee witnessed Beebe make a comment in which he was implying a woman was a bitch, but he did not use the word.

Treatment of females compared to males

Ten witnesses stated that there is a perception that females are treated differently and less favorably than males. These ten described this behavior to include, talking down to females, cutting them off/interrupting while they are speaking, and rolling his eyes while females are speaking. It was further stated that there is a perception this behavior is displayed toward females only and that is directly related to their sex/gender. In addition, these ten witnesses described that Beebe will speak to females in a condescending, dismissive, and belittling manner.

- An additional witness stated they had heard of Beebe behaving this way toward females; however, they had not witnessed nor had they been subjected to this behavior.
- One additional witness shared that in response to Beebe's behavior and how he responds to females, females tend to become tense or quiet.
- A separate female witness shared she has observed Beebe display similar behavior toward male employees and this type of reaction is not specific to females.

Six witnesses stated that due to Beebe's behavior and how he interacts with females, they have a perception that Beebe lacks respect toward females in general.

- One stated that when interacting with Beebe, she does not feel like an equal to him. She further explained that when she interacts with peers of Beebe's, she has never felt this way due to a level of respect those peers display toward her.
- Three witnesses stated there is a perception that Beebe trusts males more than females.
 - One recalled that she was working on a project for Beebe and if he had a question regarding the project, he would not ask her and would ask her male peer. The male peer would then go to her with the question to be answered. She believed Beebe's behavior was due to her sex/gender.

When asked to describe Beebe and how he interacts with employees, the following was provided.

- Five female witnesses shared that he displays a bullying mentality that is primarily aimed at females. A sixth witness also described Beebe as a bully, but stated they did not believe he only behaved this way toward females nor was his behavior based on sex/gender.
- Five female witnesses stated they believe he attempts to intimidate and use his position/power to intimidate employees. These five stated this behavior displayed towards females and is due to their sex/gender. While a sixth witness stated they felt as if Beebe behaved in this manner as well, this was not due to sex/gender nor was this only displayed toward females.
- Four witnesses described that Beebe can come across as harsh, difficult, blunt, and abrupt in his communication.

Three witnesses described Beebe as having a "good old boy" mentality and attitude. When asked for additional context regarding this, his behavior as previously outlined above was referred to. In addition to that description

of Beebe, one witness noted that Beebe tends to shift more toward male than female employees and two additional witnesses described Beebe as being “buddy-buddy” with males.

Three witnesses shared while Beebe was organizing/discussing two different sporting events, the Alumni Cup and the Faculty and Staff Dodgeball Tournament, Beebe failed to include or consider females to be part of these events.

Warning concerning Beebe’s behavior

Of the thirty witnesses interviewed, three reported they received some level of “warning” from peers regarding working with Beebe and Beebe’s behavior when they were hired or joined the department. These warnings varied and included,

- Beebe hangs around young women and will make suggestive comments.
- There have been uncomfortable situation with Beebe and he might make comments to you.
- He is creepy.

In addition to warnings of that nature, three witnesses stated they were warned that he is difficult to work with in general. A seventh witness confirmed they were aware of “warnings” still being given regarding Beebe to newer female employees about Beebe’s behavior.

Additionally, four witnesses stated that while they have not heard or were aware of warnings taking place about Beebe’s behavior, they were not surprised to hear that might be taking place and was reported. One of these witnesses noted that there are no employees on her team that are Beebe’s “type” for being subjected to comments.

Fairly open secret

The anonymous reporter alleged Beebe’s behavior is a “fairly open secret” within the department. Ten witnesses provided additional context regarding this allegation.

- Five witnesses stated they believed his behavior was a fairly open secret. One stated that his behavior is an outlier compared to the rest of the employees in the organization especially at his level that his behavior sticks out.
- Four witnesses stated they believed it was an open secret that he is difficult to work with.
- One witness stated they believed this was in regards to Beebe talking down to women, the tone of voice he uses toward women, and that he is not easy to work with.

One of the witnesses stated that Advancement Human Resources was aware of Beebe’s behavior, as she had previously discussed her experiences with Beebe with members of the Human Resources staff. Five of the witnesses stated they believe it was possible Advancement Human Resources was aware or knew of Beebe’s behavior. However, these additional witnesses confirmed they did not report concerns to Human Resources.

Due to the behavior, some of these witnesses have been subjected to or witnessed, seven females described Beebe as “creepy” and one described him as “gross.” A male has heard his female colleagues refer to Beebe as creepy; he did not have any additional context or information for why that was said.

When the witnesses were asked if Beebe was aware of his behavior, three witnesses shared they believed he had some awareness of his behavior and that it is not appropriate for the workplace. Two of these three witnesses shared they believed this due to Beebe not displaying this behavior when members of the leadership are present. Four additional witnesses shared they did not believe he was aware of his behavior nor did they believe he had a malicious intent. While four witnesses did not believe he had a malicious intent with his behavior, those who

subjected to his behavior stated they have felt gross; do not enjoy working with him; have felt diminished by him; avoid him; minimize contact with him; and have felt uncomfortable and intimidated by him.

Interview with Mark Beebe

On February 22, 2019, the investigator met with Beebe regarding the allegations reported by the anonymous reporter. Beebe stated that he attempts to keep a lighthearted and relaxed environment in the workplace and that he is not a micromanager. When Beebe was advised words used to describe him and his style as bullying and intimidating, he responded that did not feel good to hear, but believed context is important. He stated that he has to make decisions and sometimes has to give firm responses as to why a decision is made or why the organization is not doing something.

Beebe denied that he has used his position or authority to intimidate employees, regardless of their sex/gender and stated there are not many decisions he makes without the consultation of leadership or his peers. He acknowledged that part of his job is to say no, and that his communication style is direct. Beebe shared that people do not always like a direct style. Beebe acknowledged he has been told he is very direct and he needs to be aware of different communication styles and how people respond based on their communication style.

Comments/jokes that are sexual in nature

Beebe stated that he will joke around with people. When asked about the nature of these jokes, he responded they are not knock knock jokes and jokes about situations, for example, he will joke with one of his direct reports who does not wear shoes and will say, "Nice shoes." He could not recall making comments or jokes that are sexual in nature or could be perceived as sexual in nature. Beebe did not believe he made any innuendos and stated for him that is a pretty clear line. Beebe denied that he has made any jokes or comments that could be perceived as inappropriate for the workplace. Beebe denied that made the reported comment of implying a female employee was viewing pornography on her computer. He denied he made any comments similar to that. He then stated if someone is having an issue with their computer, he might say something similar to, "I wonder what you were doing?" He stated he has made that comment in reference to himself before also.

Comments about female's appearance and/or outfits

Beebe acknowledged he has made comments on outfits of other employees due to the dress code being a wide range. He stated that if a colleague is dressed up compared to how they usually dress he has commented they look nice and will ask if they have a meeting or where they are going. He denied there is any sexual connotation to his comments about outfits/appearances and stated he has made comments to males about their ties or tennis shoes. Beebe maintained that he commented to males about their appearances also and it is not specific to females when they are wearing dresses, skirts, or heels (more feminine clothing).

Beebe did not recall commenting to a female that she looked like a "bad girl." Beebe denied he made any comments implying or explicitly comparing a woman to a dominatrix due to her boots, and stated that has not place in the work environment. When asked about the other specific comments, "You're wearing girls' shoes today;" "You're wearing fancy shoes today;" "You look like a girl today." and "Lookin' real dressy today", Beebe did not remember making those comments; however, responded that he was not going to say someone was lying about him making those comments. He stated that context is important; however, if that is what someone heard or interpreted, there is a level of accuracy. Beebe denied that anyone has ever told him to stop commenting about how they or other females are dressed.

When asked about the frequency of him commenting on females' outfits, he responded he must does this more than he thought he did. Beebe explained the intent is attempting to balance work and being serious and relaxed, and he believed it was friendly dialogue.

Beebe initially stated he never comments about appearances, Beebe then stated he could not recall making any other comments regarding outfits or appearances of female employees. Beebe denied he ever commented about a female's breasts and denied that he referred to a female employee's breasts as "boobs" or "tits" as reported. Beebe could not recall commenting about how tan a female employee was upon returning from vacation nor could he recall telling any female employees they looked "pretty." The investigator advised Beebe, it was reported that he comments about the appearances and outfits of younger, pretty females. Beebe responded if that is the perception that is the reality for people. He stated he has commented to employees that are older than he is and he does not treat people differently based on how old they are.

Beebe does not believe he has entered someone's personal space; however, if someone says you are in my personal space that's apparent you have violated their personal space. He stated that if someone is showing him something on their computer, he might lean over to look at the screen, but will say something prior to doing that. Beebe was unsure if he looks females up and down or leers at them while commenting on their outfits or appearances. He responded that someone obviously perceives that he is engaging in that behavior. When asked if he has stared at the breasts of females while talking or engaging with him, he responded that he did not recall doing that, but if someone feels as if he has, there is a reality to it. He stated this was not intentional.

Treatment of females compared to males

Beebe stated that he has the same relationships with females and males and he treats everyone the same. Beebe did not believe he has treated males and females differently, and he was surprised to hear that was reported. Beebe acknowledged his entire team is comprised of females and they are great. Beebe denied that he is "buddy-buddy" with male employees. Additionally, denied he has a "good old boys" mentality or attitude.

Beebe was advised his behavior toward females was described as condescending, dismissive, and belittling; and that he will frequent interrupt females when they are talking or trying to discuss their ideas or opinions. Beebe responded those are not words he wants associated with him or used to describe him; however, if he is viewed that way, it is important. Beebe then stated in response to that information being reported, he had no intent for that behavior or to be perceived that way.

As it related to the Alumni Cup and Dodgeball Tournament, Beebe stated that he was asked to lead the Alumni Cup due to his interest in golfing and that a female who led the area responsible for the Alumni Cup did not want to lead it. Beebe stated that people were widely asked to participate including women, and zero said they were interested. He stated he made every effort to include females in playing, none chose to participate, and now it was coming back on him. Beebe stated the participation for the Dodgeball Tournament just happened, he asked two men that sit by him, and when they could not get enough people, others were asked. He stated that ultimately, a few women were asked and both males and females participated.

Comments regarding sex/gender or sex/gender biased behavior

Beebe denied that he has ever made any sex/gendered comments or stereotypes. When asked if he has referred to any women, including his daughter as a "bitch" in front of other female employees, he acknowledged he may have said his daughter was being a bitch. He stated that was in a one on one conversation with someone and it was not due to sex/gender, rather he was describing her behavior. Beebe then stated he has described his own behavior that way. Beebe denied that he has made any comments insinuating that a female employee needed to get her husband's permission and was unaware of him making any comment similar to that. Beebe acknowledged he has made comments to men about getting their wives' permission.

Beebe could not recall any specific comments made to females about how they drive or park, and stated if he did these would not be due to sex/gender bias. Beebe acknowledged he has commented about people standing around and talking; however, stated this was not due to sex/gender or specifically to females. He stated he has

included himself in these types of comments about standing around eating doughnuts. When asked if he has referred to a female employee as “troublemaker” or said that she’s “up to no good,” Beebe denied he made that comment and that he cannot remember every single word he has said. Beebe acknowledged he has commented to one female employee about shopping in response to her doing research with a retailer. He stated the female also commented she had a shopping problem, and he believed this was clearly a joke.

Beebe stated that he talks with both males and females about their children and families and there is no distinction between males and females on that. He stated context is important, and there are very few men in the department who have kids. Beebe denied that anyone has raised concerns to him about his behavior before, and he wished someone would have talked to him about this previously.

On February 25, 2019, a follow up discussion with Beebe took place. During this discussion, Beebe acknowledged that whether he had any intentions with the behavior reported and previously discussed, it makes it true to some extent. Beebe stated that in regards to the different treatment between females and males, he promoted two women on his team within the last 1.5 years. Beebe also stated that for the Alumni Cup this year, a female honoree was selected. He further explained she was selected based on merits and not for the sake of having a female honoree. Beebe stated that in regards to the Dodgeball team, he did not ask a specific female to participate and another male colleague did after Beebe said they needed another player. Beebe suggested that perhaps someone was upset at not being included.

Beebe reiterated that he does speak to males about their children; however, the floor layout is disproportionate for men compared to women. He then stated he could understand why the perception may exist he only asks women about their children. Beebe stated that in regards to female employees being warned or warning others, he found this troubling and he was concerned about rumors being spread about him.

Disputed Details

- One witness reported an incident in which she was having a technical issue with her computer and her computer was not working. She reported that Beebe asked why her computer was not working, and what she had been watching. The witness perceived this comment that Beebe was implying she had watched or viewed pornography on her work computer. Beebe denied that made the reported comment of implying a female employee was viewing pornography on her computer. He denied he made any comments similar to that. He then stated if someone is having an issue with their computer, he might say something similar to, “I wonder what you were doing?” He stated he has made that comment in reference to himself before also.
- Beebe initially stated he never comments about appearances, Beebe then stated he could not recall making any other comments regarding outfits or appearances of female employees.
- One witness reported they told him to stop making comments about how she was dressed, and he did stop. Beebe denied anyone ever told him to stop commenting on how they or other females are dressed.
- One witness reported that Beebe commented to her that she looked like a “real bad girl” based on how she dressed. Beebe did not recall making this comment.
- One witness stated on one occasion she was wearing boots, and Beebe made a comment comparing her boots to a dominatrix. The witness did not believe he explicitly said dominatrix; however, she concluded this. Beebe denied he made any comments implying or explicitly comparing a female to a dominatrix based on boots she was wearing.
- One witness stated that Beebe has told her she looked pretty. Beebe could not recall telling any female employees they looked “pretty.”
- One female employee reported that Beebe referred to her breasts as “boobs” and “tits” while speaking to her about her body. Beebe denied he ever commented about a female’s breasts and denied that he referred to a female employee’s breasts as “boobs” or “tits” while speaking with a female employee. This witness was emotional while recounting this experience to the investigator.

- One female witness stated that Beebe as commented to her that she's "up to no good" or a "troublemaker." The witness indicated there was no reason or rationale for Beebe to make this comment and it was made due to her sex/gender. When asked if he has referred to a female employee as "troublemaker" or that she's "up to no good," Beebe denied he made that comment and that he cannot remember every single word he has said.
- Beebe made a comment to a female, which inferred she needed the permission of her husband. This individual felt this comment was insulting and that she has never observed or witnessed Beebe make comments of this nature toward male employees. Beebe denied that he has made any comments insinuating that a female employee needed to get her husband's permission and was unaware of him making any comment similar to that. Beebe acknowledged he has made comments to men about getting their wives' permission.
- One reported Beebe has commented multiple times to her and other females when he encounters them talking, "Look at you guys sitting around gabbing, eating bon bons." She described this as insulting as they are often discussing work. Beebe acknowledged he has commented about people standing around and talking; however, stated this was not due to sex/gender or specifically to females. He stated he has included himself in these types of comments about standing around eating doughnuts.
 - This same witness recounted an instance in which she parked her car poorly. When she commented to Beebe about how bad her parking was, he responded, "Well you are a woman." Beebe could not recall any specific comments made to females about how they drive or park, and stated if he did these would not be due to sex/gender bias.

Analysis and Conclusion

Allegations of Sexual Harassment and Harassment on the basis of sex/gender

ANALYSIS

The university's Sexual Misconduct policy 1.15, sexual harassment is unwelcome, sex- or gender-based verbal or physical conduct that unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. Hostile environment in the employment context includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Further, the university's Affirmative Action, Equal Employment Opportunity & Non-Discrimination/Harassment, 1.10 prohibits discrimination and harassment based on an individual's protected status. Ohio State does not discriminate on the basis of age, ancestry, color, disability, gender identity or expression, genetic information, HIV/AIDS status, military status, national origin, race, religion, sex, sexual orientation, protected veteran status, or any other bases under the law, in its activities, programs, admission, and employment. The policy defines harassment as follows:

(1) Unwelcome, protected class-based verbal or physical conduct that (2) is sufficiently severe, persistent or pervasive that (3) it unreasonably interferes with, denies, or limits an individual's ability to participate in or benefit from the university's education and employment programs and activities; and (4) is based on power differentials (quid pro quo) or the creation of a hostile environment

In the assessment, it is the totality of the circumstances in which the behavior occurs that is critical in determining whether a policy violation exists. The investigator has considered the conduct from both an objective and subjective perspective. Information presented as part of the investigation was weighed based on

the preponderance of the evidence standard, to determine if a violation of the Sexual Misconduct policy 1.15 or Affirmative Action, Equal Employment Opportunity & Non-Discrimination/Harassment, 1.10 for sex-or gender based harassment or discrimination.

Unwelcome sex/gender based comments

The initial EthicsPoint report alleged that Beebe had engaged in making sexual comments to women, especially younger women on the Advancement staff. This included calling one woman a “bad girl” due to her outfit and teasing a woman about watching pornographic movies on her work computer. It was also reported that he has made sexually inappropriate jokes and innuendo to the Advancement Human Resources staff. Many women complain that he stares only at their breasts while in conversation with them. Female employees have been warned about his behavior and are continuing to be warned when they begin their employment. His behavior was described as a fairly open secret. While not initially reported in the anonymous EthicsPoint report, during the course of the investigation, ten female employees raised concerns regarding Beebe’s treatment of female employees compared to males.

One of the witnesses stated that she was having a technical issue with her computer and her computer was not working. She reported that Beebe asked why her computer was not working, and what she had been watching. The witness perceived this comment to mean that Beebe was implying she had watched or viewed pornography on her work computer. While Beebe denied he made the reported comment implying a female employee was viewing pornography on her computer. He then stated if someone is having an issue with their computer, he might say something similar to, “I wonder what you were doing?” He stated he has made that comment in reference to himself before also. While Beebe might not have explicitly used the word “pornography” or “pornographic movie” to the employee, based on how the incident was described as well as Beebe’s own explanation of what he might say, it is reasonable for this witness to interpret Beebe was inferring she was watching or looking at pornography.

Eleven females have experienced Beebe commenting on their outfits or appearances on a regular and frequent basis. One of these witnesses told him to stop making comments about how she was dressed, and he stopped. Two witnesses reported that Beebe had commented about how tan a female employee was after returning from vacation. The employee subjected to this comment described it as weird. Other witnesses shared that they did not feel that they could tell him to stop based on his senior role in Advancement. Seven females have witnessed or observed Beebe staring at them or looking them up and down as if he is checking them out while commenting on their outfits. Three witnesses have also observed Beebe staring at their breasts during interactions with him. Five witnesses shared that it was a well-known fact that this was how Beebe was, and believed there was an implicit expectation of tolerance they should have with his behavior, this testimony corroborated the anonymous reporters assertion, that Beebe’s behavior is a “fairly open secret” within the department. One witness specifically shared stated that his behavior is an outlier compared to the rest of the employees in the organization especially at his level that his behavior sticks out.

It was also reported that Beebe tends to make these comments to younger, attractive females and when they are wearing skirts, dresses, or high heels (more feminine clothing.) While some of the witnesses stated they were unsure of Beebe’s intention with commenting about their outfits or appearances. Six of the witnesses described Beebe’s comments about their outfits or appearances as demeaning, awkward, creepy, and uncomfortable. Two of these witnesses noted these comments do not feel complimentary and feel sexual or suggestive. One of these witnesses stated that while she has not been subjected to overtly sexual comments from Beebe, the comments about how she is dressed and looks are unwelcome and uncomfortable. All eleven witnesses noted that other males, especially those who are at the same level of the organization as Beebe, do not make comments about how females are dressed or looked. Additionally, none of the witnesses interviewed were aware or have observed Beebe make comments to males about their appearances or outfits.

Two witnesses shared that due to Beebe's comments about their outfits or appearances, they are mindful of what they wear. One stated that if she is wearing a dress or skirt and knows that she might see Beebe, she will put on a jacket in an effort to "cover up." The second witness stated that if she is wearing a shirt that is somewhat low-cut, she will pull her shirt up while engaging with him. She stated this is due to him staring at her breasts and chest. Six female witnesses reported Beebe has made comments to them they believed was based on their sex/gender or due to their sex/gender. The comments resulted in the employees feeling insulted and diminished.

Four females have witnessed Beebe refer to women in the workplace and outside of the organization as a "bitch." A fifth employee witnessed Beebe make a comment in which he was implying a woman was a bitch, but he did not use the word.

Beebe initially stated he never comments about appearances. Beebe then acknowledged he has commented on the outfits of other employees. He denied there is any sexual connotation or intent when he makes these comments. Beebe maintained that he has commented on the outfits of males as well as females and the comments are not specific to females. Beebe initially stated that he does not comment on outfits that frequently; however, Beebe acknowledged that due to the information shared by the investigator, he likely does this more often than he realized. Beebe did not recall the specific examples of comments provided by the investigator; however, he admitted if someone heard or interpreted his comments that way, there is a level of accuracy. Beebe could not recall making any comments about how tan a female employee was upon her return from vacation.

The investigator advised Beebe, it was reported that he comments about the appearances and outfits of younger, pretty females. Beebe responded if that is the perception that is the reality for people. He stated he has commented to employees that are older than he is and he does not treat people differently based on how old they are. When asked to respond to the reported comments regarding sex/gender or implied sex/gender bias, Beebe could either not recall or denied making the comments. However, given the specificity of the comments provided, it is likely these comments were made to the female employees as reported. Beebe was unsure if he looks females up and down or leers at them while commenting on their outfits or appearances, and responded that someone obviously perceives that he is engaging in that behavior. Beebe could not recall if he has stared at the breasts of females while talking or interacting with them; and stated that if it was reported there is a reality to it. He further stated this was not intentional. When asked about instances in which Beebe has referred to a woman as a "bitch." Beebe stated he may have described his daughter's behavior in that way and that he has described his own behavior in that manner.

Less favorable treatment due to sex/gender

Ten witnesses stated that they have perceived females are treated differently and less favorably than male employees due to their sex/gender. This treatment includes, talking down to females, cutting them off/interrupting while they are speaking, and rolling his eyes while females are speaking. In addition, these ten witnesses described that Beebe will speak to females in a condescending, dismissive, and belittling manner.

Further, six reported that due to Beebe's behavior and how he interacts with females, there is a perception that Beebe lacks respect toward females in general. Three witnesses further described that Beebe has a "good old boy" mentality and attitude. One stated that when interacting with Beebe, she does not feel like an equal to him. However, when she interacts with his peers, she has never felt this way due to a level of respect those peers display toward her. Due to the totality of Beebe's behavior, there is a perception by five witnesses that Beebe bullies females and that he intimidates and uses his position and power to intimidate female employees.

In addition to this perception due to his behavior, three witnesses reported the appearance that Beebe trusts males more than female employees solely based on their sex/gender. One witness noted that Beebe tends to shift more toward male than female employees and two additional witnesses described Beebe as being "buddy-

buddy” with males. Two females stated that Beebe only talk to women about their children and/or family lives. It was further stated that Beebe will talk to males about other interests, but there is a perception that Beebe only discusses this topic with females and this is due to the sex/gender. Three witnesses shared while Beebe was organizing/discussing two different sporting events, the Alumni Cup and the Faculty and Staff Dodgeball Tournament, Beebe failed to include or consider females to be part of these events.

While Beebe maintained he has the same relationships with male and female employees and treats everyone the same, Beebe acknowledged that if the reported information is how is perceived by employees that is important. Beebe stated that he has no intent for the behavior or to be perceived in this manner, and denied that he has the mentality or attitude of a “good old boy.” Beebe stated his entire team is comprised of females and they are great. Beebe denied that he is “buddy-buddy” with male employees.

Beebe stated that he talks with both males and females about their children and families and there is no distinction between males and females on that. He stated context is important, and there are very few men in the department who have kids.

Beebe denied that he has engaged in any bullying behavior toward any employees nor has he used his position or authority to intimidate any employees, especially females. Beebe stated he made every effort to have females participate in the Alumni Cup; however, zero showed interest. Beebe stated the Dodgeball Tournament participation just happened, he asked two men that sit by him, and when they could not get enough people, others were asked, including a few women. Both males and females participated.

Three females received some level of “warning” from their peers regarding working with Beebe and Beebe’s behavior since being employed with Advancement. These warnings varied and included,

- Beebe hangs around young women and will make suggestive comments.
- There have been uncomfortable situation with Beebe and he might make comments to you.
- He is creepy.

In addition to warnings of that nature, three witnesses stated they were warned that he is difficult to work with in general. A seventh witness confirmed they were aware of “warnings” still being given regarding Beebe to newer female employees about Beebe’s behavior.

Additionally, four witnesses stated that while they have not heard or were aware of warnings taking place about Beebe’s behavior, they were not surprised to hear that might be taking place and was reported. One of these witnesses noted that there are no employees on her team that are Beebe’s “type” for being subjected to comments.

One of the witnesses stated that Advancement Human Resources was aware of Beebe’s behavior, as she had previously discussed her experiences with Beebe with members of the Human Resources staff. Five of the witnesses stated they believe it was possible Advancement Human Resources was aware or knew of Beebe’s behavior. However, these additional witnesses confirmed they did not report concerns to Human Resources.

Due to the behavior, some of these witnesses have been subjected to or witnessed, seven females described Beebe as “creepy” and one described him as “gross.” A male has heard his female colleagues refer to Beebe as creepy; however, he did not have any additional context or information for why that was said.

When the witnesses were asked if Beebe was aware of his behavior, three witnesses shared they believed he had some awareness of his behavior and that it is not appropriate for the workplace. Two of these three witnesses shared they believed this due to Beebe not displaying this behavior when members of the leadership are present. Four additional witnesses shared they did not believe he was aware of his behavior nor did they believe he had a malicious intent.

While four witnesses did not believe he had a malicious intent with his behavior, those who subjected to his behavior stated they have felt gross; do not enjoy working with him; have felt diminished by him; avoid him; minimize contact with him; and have felt uncomfortable and intimidated by him.

All of the witnesses interviewed were consistent and credible during the investigation process. Additionally, there is no motive that any of the witnesses would misrepresent the information provided during the investigation.

Beebe as the Chief Financial Officer is a senior leader of the Advancement, and therefore is expected to be a leader for the organization and lead by example. Eleven witnesses noted that Beebe's behavior is not consistent with the behavior of the other senior leaders of the organization. It was also corroborated through the witness statements that due to his level within the organization, his behavior has a larger impact on the employees who have been subjected to the behavior. Witnesses stated that due to his position, employees have not spoken up about this behavior in the past due to the potential ramifications this could have had on them from Beebe or others in leadership. In an attempt to protect others, female employees have provided some level of warning to new female employees on a peer level about Beebe's behavior. None of those providing a warning were in leadership or Human Resources roles.

Giving careful consideration to the information provided by the parties, while Beebe maintained he had no intent with his behavior or the comments he subjected females employees to, the perception of the female employees is that they were subjected to his behavior due to their sex/gender. The belief that the treatment was based on sex/gender is objectively reasonable given the examples provided. The number and detail of examples and information provided regarding Beebe's behavior illustrate the pervasiveness of his conduct.

Female staff reported they have been aware of how they are dressed when in the presence of Beebe to avoid him making comments about their outfits, him looking them up and down, or looking at their breasts. Additionally, multiple female staff members that were subjected to Beebe's behavior reported they have felt gross; do not enjoy working with him; have felt diminished by him; avoid him; minimize contact with him; and have felt uncomfortable and intimidated by him. The totality of the evidence supports that Beebe's behavior resulted in at employees feeling uncomfortable in the workplace, and created a hostile or offensive work environment. There is a reasonable perception that this behavior was sex/gender based.

CONCLUSION

Based on the aforementioned analysis, there is **sufficient evidence** that Beebe engaged in behavior that violated the university's Sexual Misconduct Policy 1.15 and the Affirmative Action, Equal Employment Opportunity & Non-Discrimination/Harassment Policy 1.10.

Action Steps

In accordance with university policies, the allegations brought forth have been fully investigated by the Office of Human Resources. As a result, the following actions must be taken:

1. The Office of Advancement should take the appropriate action in regards to Beebe based on the investigator's findings in accordance with university policy and procedure for unclassified employees.
2. It should be noted that the university offers many resources for students and employees impacted by negative workplace situations. EAP (Employee Assistance Program) is available for staff and faculty.
3. All parties are formally notified that they cannot retaliate and/or request explanations or rationale from persons in relation to the statements gathered during this investigation or their participation in this investigation.

These action steps are final. If you have any questions or concerns, please feel free to call me at 614-292-5302.



Christina Cunningham
Employee & Labor Relations Consultant